

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 35-37, 43, 47-49, and 50-53 were pending in this application. In this Amendment, Applicants have amended claims 35-37, 48, and 51 and canceled claims 43, 47, 49, 52, and 53. Accordingly, claims 35-37, 48, and 51 will be pending herein upon entry of this Amendment.

In the Office Action mailed October 19, 2005, claims 35-37, 43, and 47-53 were rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. Claims 35 and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,313,745 to Suzuki (“Suzuki”). Claims 36, 43, and 47-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Official Notice. The Examiner also objected to the drawings for not showing every feature of the invention specified in the claims.

Applicants' representatives wish to thank Examiner Cuff for the courtesies extended during the personal interview conducted April 13, 2006. The substance of the interview is incorporated into the following remarks.

35 U.S.C. § 112, ¶ 1

With respect to the § 112 rejections of claims reciting “garment styles having a problem with fit or detailing,” and as clarified in the interview, the Examiner stated that the present disclosure described only the collecting of data that could suggest a “a problem with fit or detailing” and not necessarily the positive determination of garments having such a problem.

Because Applicants have canceled claims 43, 47, 49, 50, 52, and 53, this rejection is rendered moot with respect to those claims. Regarding claims 35, 37, and 51, Applicants have amended these claims to remove the recitation of determining or identifying garments having a problem with fit or detailing and to instead recite the displaying of the frequency with which a tried-on-but-not-purchased RFID tagged garment is tried on and the style information of the tried-on-but-not-purchased RFID tagged garment. Specific support for this amendment can be found in the specification at, for example, lines 7-8 of paragraph [0028] and lines 6-8 and 11-12 of paragraph [0083]. By displaying this data, the present invention enables a user to recognize particular styles of garments that have problems with fit or detailing.

With respect to the § 112 rejections of claims 36 and 52, and as clarified in the interview, the Examiner asserted that the present specification does not describe showing the relationship between the frequency with which a garment is tried on and the garment's merchandising location, but rather presents data from which such a relationship can be deduced. Because Applicants have canceled claim 52, this rejection is rendered moot with respect to that claim. Regarding claim 36, Applicants have amended the claim to remove the showing of the relationship and to instead recite, as suggested by the Examiner, the displaying of the frequency with which an RFID tagged garment is tried on and the RFID tagged garment's merchandising location. Specific support for this amendment can be found in the specification at, for example, lines 5-6 and 8-10 of paragraph [0028] and lines 13-15 of paragraph [0083]. By displaying this data, the present invention enables a user to understand the relationships between the frequency

with which garments are tried on and their merchandising locations, and to ultimately recognize merchandising locations that attract greater consumer interest.

In the interview, the Examiner also requested identification of support in the specification for the recitation in amended claim 36 of the correlating of the RFID tagged garments that are taken to a fitting room with their merchandising locations. Accordingly, Applicants refer to the specification at, for example, lines 1-6 of paragraph [0028], which describe the collection of fitting room data (*e.g.*, the identity of products taken into the fitting room) and the correlating of that data with other data, such as shelf location data. Similarly, lines 6-16 of paragraph [0083] describe numerous ways in which fitting room data can be used for merchandising, planning and/or marketing decisions, and as an example, specifically describe at lines 13-15 the correlating of fitting room data (“the frequency with which a garment is tried on” at line 14) to merchandising location (“garment’s location within a store” at line 15). Applicants therefore respectfully submit that the specification clearly supports the recitation of the correlating in amended claim 36.

Regarding the § 112 rejections of claims 36, 50, 52, and 53, Applicants have canceled these claims, thereby rendering the rejections moot.

Applicants have also amended claims 35, 37, and 51 to recite limitations consistent with the amendments to claim 36 entered to comply with § 112. In addition, in response to the Examiner’s questions in the interview about “determining” RFID tagged garments that are tried on but not purchased, Applicants have, for clarification, amended claims 35, 37, and 51 to recite the subtracting of RFID tagged garments that are purchased after being taken to the fitting room

from the RFID tagged garments that are taken to the fitting room to yield tried-on-but-not-purchased RFID tagged garments. Support for this recitation can be found in the specification at, for example, paragraph [0028], which describes the reading of RFID tagged garments brought into the fitting room (lines 2-3), the correlating of that fitting room data with sales (*i.e.*, purchases) data (lines 5-6), and the identification of products tried on but not purchased (lines 7-8). Such disclosure encompasses the subtracting recited in amended claims 35, 37, and 51.

Accordingly, Applicants respectfully submit that amended claims 35-37 and 51 comply with § 112.

35 U.S.C. §§ 102 and 103

The Examiner rejected claims 35-37, 43, and 47-53 as either anticipated by Suzuki or obvious over Suzuki in view of Official Notice. Because Applicants have canceled claims 43, 47, 49, 50, 52, and 53, these rejections are rendered moot with respect to those claims. Regarding claims 35, 36, 37, and 51, Applicants have amended those claims to recite the displaying of the frequency with which an RFID tagged garment is tried on and the merchandising location of the RFID tagged garment. This display of data, and importantly, the correlation between the data (*i.e.*, fitting room data and merchandising location data), is neither taught nor suggested by Suzuki or the Official Notice propounded by the Examiner.

As the Examiner correctly noted in the Office Action, Suzuki fails to show using RFID tags to determine merchandising locations of garments and moving garments to display locations that attract greater consumer interest. To modify Suzuki, the Examiner took Official Notice that “moving garments to display locations that attract greater consumer interest is a well-known

practice in merchandising regardless of the product in order to increase sales.” However, while Applicants do not disagree with the Examiner’s Official Notice as clarified at the interview, the Official Notice fails to fully cure the deficiencies of Suzuki. Specifically, the Official Notice addresses only the “moving garments” limitation (which, incidentally, was a limitation from previous versions of the claims, and not of the claims 35-37, 43, and 47-53 pending in the Amendment filed July 11, 2005) and is silent as to the “merchandising location” limitation. Indeed, it is this “merchandising location” limitation, and importantly the correlation of the fitting room data to the merchandising location, that is neither taught nor suggested by Suzuki or the Official Notice.

Amended claims 35-37 and 51 recite displaying the frequency with which an RFID tagged garment is tried on and the merchandising location of the RFID tagged garment. In stark contrast, the teachings of Suzuki are limited to the collection of fitting room data and sales data, and in no way suggest using RFID tags to determine the merchandising locations of garments on a sales floor. As such, Suzuki fails to teach or suggest any aspect of merchandising location, let alone a correlation between fitting room data and merchandising location data, as is recited in amended claims 35-37 and 51. And, the Official Notice fails to cure this deficiency.

Thus, Applicants respectfully submit that amended independent claims 35-37 and 51 are patentable over the prior art of record. Applicants have also amended claim 48 consistent with the amendments to claim 36. Applicants therefore further respectfully submit that claim 48 is also allowable due at least to its dependency on an allowable base claim.

Drawing Objections

The Examiner objected to the drawings for not showing the following features: (a) the garment styles having a problem with fit or detailing; (b) correlating data; (c) showing a relationship; (d) determining merchandising locations; (e) reporting the merchandising locations; and (f) compiling style information. Applicants have canceled features (a), (c), (e), and (f) from the claims. Regarding features (b) and (d), as well as the displaying of data as recited in amended claims 35-37 and 51, Applicants respectfully submit that the drawings as filed do show these features. For example, the host computer shown in Figure 1 can accomplish these features. In addition, the shelf system 602 of Figure 6 can accomplish feature (d). Applicants therefore respectfully submit that the drawings are in compliance with 37 C.F.R. § 1.83(a) and request withdrawal of the drawing objection.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

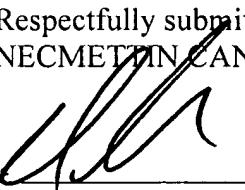
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Respectfully submitted,
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